

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL HAGOS,

Plaintiff,

vs.

WASHINGTON MUTUAL BANK, F.A., *et al.*,

Defendant.

Case No. 2:15-cv-1606-APG-VCF

ORDER

MOTION TO STAY DISCOVERY (#9)

On September 16, 2015, Defendant JP Morgan Chase moved for a discovery stay pending a decision on its Motion to Dismiss (#5). Plaintiff Daniel Hagos has not opposed the Motion to Dismiss or the Motion to Stay Discovery. This constitutes consent to the granting of the Motion to Stay. *See* LR 7-2(d) (“The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.”).

The court also grants the Motion to Stay on its merits. Discovery may be stayed pending a decision on dispositive motion if, after taking a “preliminary peek” at the pending dispositive motion, court is “convinced” that the dispositive motion will be granted. *TradeBay, LLC v. Ebay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011). JP Morgan Chase contends, *inter alia*, that Hagos’ action is barred by a one-year statute of limitations. This is an appropriate basis for a discovery stay. *See id.*

ACCORDINGLY, and for good cause shown,

IT IS ORDERED that Defendant JP Morgan Chase’s Motion to Stay (#9) is GRANTED.

IT IS FURTHER ORDERED that that discovery is STAYED for four months or until the District Judge adjudicates Defendant JP Morgan Chase’s Motion to Dismiss, whichever occurs first.

1 IT IS FURTHER ORDERED that, in the event Defendant JP Morgan Chase's Motion to Dismiss
2 is denied, the parties MUST file a proposed Discovery Plan and Scheduling Order within 20 days of the
3 denial of the motion.

4 IT IS SO ORDERED.

5 DATED this 6th day of October, 2015.

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10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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